

PATENT

Attorney Docket No.: 144-198

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re: Patent application of
Michel Riera**

Serial No.: 09/242,191

PCT Application no: PCT/FR 97/01488

PCT filing date: August 13, 1997

**For: DEVICE FOR GENERATING MAGNETIC
FIELDS FOR CATALYZING
PHYSICOCHEMICAL REACTIONS**

PCT Legal Division
Examiner;
Mr Ho

REQUEST FOR WITHDRAWAL OF NOTICE OF ABANDONMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper is filed pursuant to a telephone interview between the examiner (Mr. Ho) and the undersigned on July 27, 2000. No fee is believed to be due in respect of the filing of this paper. Please charge any fee that is due, and credit any overpayment, to Deposit Account No. 19-1135.

**CERTIFICATE OF FACSIMILE
TRANSMISSION**

I hereby certify that this correspondence, along with any paper referred to as being attached or enclosed, is being facsimile transmitted to the U.S. Patent and Trademark Office on the date indicated below.

BY Beverly Albano

DATE: 7-27-00

REMARKS

On February 10, 1999, this firm, acting as the applicant's attorneys, filed with the Patent and Trademark Office papers to initiate the U.S. national phase of International Patent Application No. PCT/FR 97/01488. This national phase was assigned the application number 09/242,191. Owing to a misunderstanding between this firm and the applicant's French Patent Agents, for which the applicant was in no way to blame, we filed an English text of the PCT application, which we unwittingly misrepresented as the authentic text of the PCT application.

After application no. 09/242,191 had been filed, we discovered that the PCT application had in fact been filed and published in French, and that the English text was a translation prepared by the French Patent Agents.

We thereupon filed a fresh national phase, correctly identifying the English text as a translation, on February 12, 1999. This second national phase was assigned the application number 09/242,272. We adopted this course because we believed that it would be simpler and safer than attempting to correct the misrepresentation in the earlier filing.

A signed declaration and power of attorney was filed on application no. 09/242,272 on May 17, 1999, together with a small entity declaration and the fee of \$65.00. An Information Disclosure Statement was filed at the same time.

We took no further action in respect of application no. 09/242,191, and a Notice of Missing Requirements dated May 10, 1999 was followed by a Notification of Abandonment dated January 6, 2000.

We are now advised by the PTO that the course of action that we chose is not correct, because PTO procedure does not permit more than one national phase application to be created from a single PCT application, and that it is necessary for the national phase to proceed under the application no. 09/242,191.

It is therefore respectfully requested that the Notification of Abandonment of application no. 09/242,191 be withdrawn.

It is further requested that the files of applications nos. 09/242,191 and 09/242,272 be merged, and in particular that:

- the signed Declaration and Power of Attorney and fee filed on May 17, 1999 be treated as timely filed for the purposes of the Notification of Missing Requirements mailed May 10, 1999.

- the Small Entity Statement filed May 17, 1999 be applied to the present application notwithstanding that it refers by number to application no. 09/242,272; and
- the Information Disclosure Statement filed May 17, 1999 be treated as properly filed on the present application.

The English texts and First Preliminary Amendments filed on February 10, 1999 and February 12, 1999 are believed to be substantially identical.

As requested by the examiner, I am transmitting herewith copies of the PTO receipt postcards for both application numbers.

Respectfully submitted,

MICHEL RIERA

BY: 

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& Monaco, P.C.
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Attorney for Applicant

Attorney Docket No. 144-198U.S. Patent Application No.: Not Yet AssignedFor: Device For Generating Magnetic Fields For Catalyzing Physico-chemical ReactionsName: Michel Riera

Assistant Commissioner for Patents

BOX PCT

Washington, D.C. 20231

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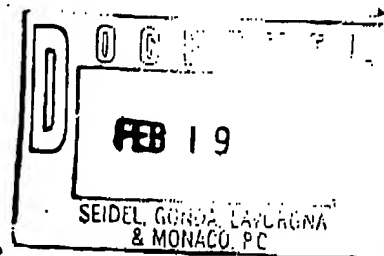
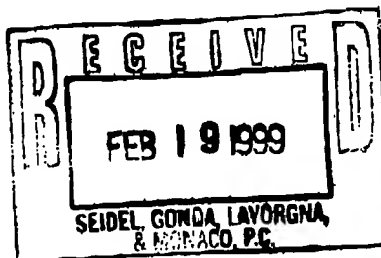
Respectfully submitted,
SEIDEL, GONDA, LAVORGNA
& MONACO, P.C.

10 February 1999

1. Certificate of Express Mail Accompanying
National Phase
2. Transmittal Letter to DO/EO/US
3. Preliminary Amendment (3ps)
4. Declaration and Power of Attorney (unsigned)
5. Copy of PCT Publication No. WO 98/06491
6. Please charge deposit account No. 19-1135 in
the amount of \$1360.00

09/242197

414 PCT/US 10 FEB 1999



Attorney Docket No. 144-198(2) U.S. Patent Application No.: Not Yet Assigned
For: Device For Generating Magnetic Fields For Catalyzing Physico-chemical Reactions

Name: Michel Riera

Assistant Commissioner for Patents
BOX PCT
Washington, D.C. 20231

1. Certificate of Express Mail Accompanying National Phase
2. Transmittal Letter to DO/EO/US
3. Preliminary Amendment (3ps)
4. Declaration and Power of Attorney (unsigned)
5. English translation
6. Copy of PCT Publication No. WO 98/06491
7. Please charge deposit account No. 19-1135 in the amount of \$1360.00

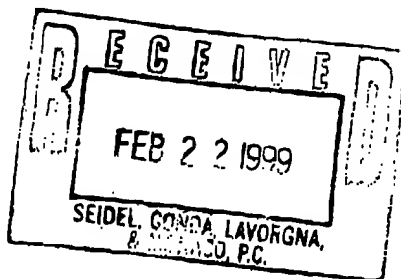
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Respectfully submitted,
SEIDEL, GONDA, LAVORGNA
& MONACO, P.C.

12 February 1999

09/242272
418 Rec'd PCT/PTO 12 FEB 1999



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27 JUL 2000

Legal Staff
International Division**FAX COVER PAGE****DATE:** 27 July 2000**TIME:** 2:25**Total number of pages, including this page** 6**RE:** Our File: 144-198**TO:** MR. HO
PCT LEGAL OFFICE**FAX PHONE NO.** 703-308-6459**FROM:** DANIEL A. MONACO, ESQ.**COMMENTS:**

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